

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH J. PINER,	:	
Petitioner	:	
v.	:	Case No. 3:22-cv-190-KRG-KAP
BOBBI JO SALAMON, WARDEN	:	
S.C.I. ROCKVIEW,	:	
Respondent	:	

Memorandum Order

Petitioner's motion at ECF no. 20 to stay or remand the habeas corpus petition "for further development of the record" is denied.

Remand for development of a record (as if the state courts were mere investigative agencies for federal courts) is inappropriate under any circumstance. A stay is appropriate under Rhines v. Weber, 544 U.S. 269, 276-78 (2005), when the petitioner has good cause for failure to exhaust claims, the unexhausted claims are potentially meritorious, and there is no evidence that the petitioner seeks to use the stay as a delaying tactic. Petitioner does not allege he is currently attempting to exhaust any claims in state court under Pennsylvania's Post Conviction Relief Act (PCRA), 42 Pa.C.S. §§ 9541–46, and his oblique reference to a third-party opinion about law enforcement in Blair County does not allow any conclusion that any hypothetical claim would be potentially meritorious.

DATE: January 16, 2024



Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

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